



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/586,356 | 07/17/2006 | Yoshinori Endo | 566.46276X00 | 3027 |

20457 7590 03/31/2010
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

| |
|----------|
| EXAMINER |
|----------|

KISWANTO, NICHOLAS

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3664

| | |
|-----------|---------------|
| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

03/31/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/586,356 | Applicant(s) ENDO ET AL. | |
| | Examiner NICHOLAS KISWANTO | Art Unit 3664 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Myr (2001/0029425).

As to claims 1, 7, 10, 11, 12, Myr discloses a route search method for a navigation device, wherein: said navigation device comprises a storage unit that stores link data for each link as a component of roads on a map and statistical data including link travel times obtained by statistically processing traffic information collected previously (Fig. 14); and said method comprises: a step of establishing a plurality of route search conditions [0105]; a route search step, in which, for each of said plurality of route search conditions, a cost of each link is determined using said link data or said statistical data depending on the route search condition in question, and a route having a smallest total cost for traveling from a departure point to a destination is searched for [0162]; and a travel time calculation step, in which an expected travel time for each of a

Art Unit: 3664

plurality of routes retrieved in said route search step is calculated using said statistical data [0171].

As to claim 2, Myr further discloses a route search method according to Claim 1 for a navigation device, wherein: said link data includes a link travel time obtained from map information [0163]; and in said route search step, a cost of each link is determined using a link travel time included in said statistical data when a search condition is established in order to perform a search using the statistical data, and a cost of each link is determined using the link travel time included in said link data when a search condition is established in order to perform a search without using the statistical data, and then a route having a smallest total cost for traveling from the departure point to the destination is searched for [0141-0143].

As to claim 3, Myr further discloses a route search method according to Claim 2 for a navigation device, wherein: said link data includes link length information [0120]; and in said route search step, a cost of each link is determined using the link length information included in said link data when a search condition is established in order to perform a search giving priority to a travel distance, and then a route having a smallest total cost for traveling from the departure point to the destination is searched for [0121].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-6, 8, 9, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myr.

As to claims 4, 8, and 13, Myr discloses the claimed invention as shown above. However, it is silent as to the specifics of not using the statistical data.

Nevertheless, it would have been obvious to one of ordinary skill in the art that not using the statistical data is commonly well-known in the art, as taught by Myr in [0012]. It would have been obvious to simply incorporate non-use of data as an option in order to lower processing costs.

As to claim 9, Myr further discloses a route search method according to claim 7 for a navigation device, wherein: said navigation device performs a receiving step in which selection of use or non-use of the statistical data is received; and when a route search without using the

Art Unit: 3664

statistical data is selected in said receiving step, then, in said route search step, a route search is performed without using the statistical data, and calculation of said expected travel time is performed using said link data and without using the statistical data [0012].

As to claim 5, Myr further discloses a route search method according to claim 4 for a navigation device, wherein: said link data for each link includes road type information of the link in question [0120]; and in said route search step, when a search condition is established in order to perform a route search giving priority to a specific road type, a cost of a link of said specific road type is determined lower in comparison with links of other road types, based on said road type information [0121].

As to claim 6, Myr further discloses the route search method according to claim 5, wherein said navigation device displays the expected travel times calculated in said travel time calculation step [0112].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICHOLAS KISWANTO whose telephone number is (571)270-3269. The examiner can normally be reached on Monday - Friday, 9AM - 6PM, EST.

Art Unit: 3664

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nicholas Kiswanto/
Examiner, Art Unit 3664
/KHOI TRAN/
Supervisory Patent Examiner, Art Unit 3664